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January 8, 2016

**Via ECF**

The Honorable Charles R. Breyer  
United States District Judge  
Northern District of California  
450 Golden Gate Avenue, CR 6  
San Francisco, CA 94102

**Re: *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and  
Products Liability Litigation*  
MDL No. 2672**

Dear Judge Breyer:

This letter serves as my application for a position on the plaintiffs’ steering committee. My motion for leave to appear *pro hac vice* (Doc. No. 549) is still pending as of the time of this filing, but I am filing this letter today in order to comply with Pretrial Order No. 2. A copy of my professional qualifications summary is attached as Exhibit “A.” I have been retained by plaintiffs from California, Colorado, Florida, Maryland, New Jersey, New York, Pennsylvania and Texas, and prior to the formation of this MDL had filed three cases in the District of New Jersey.

I am a partner of Mazie Slater Katz & Freeman, LLC (“Mazie Slater”), a New Jersey law firm that focuses on complex civil litigation. Like many other law firms involved in this litigation, Mazie Slater has experience serving in leadership positions in other MDLs and state court coordinated proceedings. For instance, Mazie Slater attorneys are currently co-liaison counsel in *In re: Benicar (Olmesartan) Products Liability Litigation*, MDL No. 2606 and *In re: Pelvic Mesh Litigation*, Case No. 291 (a consolidation of more than 8,000 cases ending in pending in New Jersey State Court). In addition to holding these leadership positions, Mazie Slater attorneys have been lead trial counsel and members of the trial teams for multiple bellwether trials in State and Federal Courts, and have obtained numerous substantial verdicts and settlements in complex civil cases.

One factor that makes me particularly qualified to serve on leadership in this litigation is my previous experience litigating a complex class action against Volkswagen and Audi – as well

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as their current counsel, Herzfeld & Rubin – in the matter *Dewey v. Volkswagen of America, Inc.*, No. 2:07-CV-2249 (D.N.J.). That case involved alleged defects in the water drainage systems in millions of Volkswagen and Audi vehicles and was fiercely litigated for over four and half years before a settlement was reached. Discovery in *Dewey* encompassed the exchange and analysis of hundreds of thousands of pages of documents, including highly technical engineering drawings and component specifications, many in German and Spanish. The parties also conducted the depositions of more than 50 witnesses in New Jersey, New York, Virginia, Michigan, and California, some for multiple days and many through German and Spanish speaking interpreters.

Through my involvement in *Dewey*, I learned information that would be invaluable to this litigation, including an understanding of Volkswagen and Audi's internal corporate structure, the division of labor and responsibilities between and amongst the North American entities and their German parent companies, their policies and procedures regarding identifying and investigating vehicle defects, and what documents, databases and electronic discovery are utilized by defendants.

Ultimately, we were able to reach a comprehensive settlement involving 3 million vehicles owned or leased by approximately 5.5 million Class Members over the course of 12 years. The settlement provided a unique set of monetary and non-monetary benefits, and addressed alleged defects in 8 different automobile models built on at least 20 different platforms (undercarriages), which corresponded to over 100 vehicle variations. In broad stroke, the settlement provided the following relief: (1) inspection, modification, and repair of plenum and sunroof drain systems through three separate service actions; (2) monetary reimbursement of repair and damage expenses; and (3) maintenance recommendations to Class Members to prevent future damage due to water ingress. This settlement was upheld by the Third Circuit on appeal.

In many respects, *Dewey* was more complicated than the instant matter: there were many times more vehicles affected, more class members, and a dispute regarding whether the class vehicles contained a defect. Despite such complications, Mazie Slater was able to obtain an excellent settlement for the class. The discovery process and settlement proceedings were overseen by the Honorable Patty Shwartz, U.S.C.A.J., who can speak to our abilities.

Moreover, I devote a substantial portion of my practice to litigating automobile class actions. In fact, the New Jersey Law Journal referred to me as “one of the most prominent automotive class-action attorneys in New Jersey.” I have litigated and resolved numerous class actions against other automobile manufacturers including: *Zakskorn v. American Honda Motor Co., Inc.*, No. 2:11-cv-02610 (E.D. Cal.) (nationwide class action settlement involving alleged brake defects in certain Honda vehicles); *Aarons v. BMW of North America, LLC*, No. 2:11-cv-

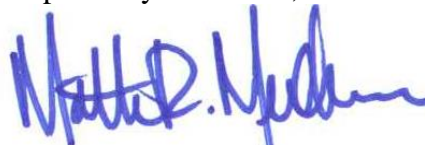
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7667-PSG (C.D. Cal.) (nationwide class action settlement involving alleged transmission defects in certain Mini Cooper vehicles); *In re: Nissan Radiator/Transmission Cooler Litigation*, No. 10-cv-7493-VLB (S.D.N.Y.) (nationwide class action settlement on behalf of more than 800,000 class members relating to alleged transmission cooler defects); *Keegan v. American Honda Motor Co.*, No. 2:10-cv-09508-MMM (C.D. Cal.) (nationwide class action settlement involving alleged suspension defects in certain Honda vehicles); and *Alin v. American Honda Motor Co., Inc.*, No. 2:08-cv-04825 (D.N.J.) (nationwide class action settlement involving alleged air-conditioning defects in certain Honda vehicles). Many of these cases have resulted in decisions that have helped shape the law regarding automobile defect class actions in California and throughout the country. A sampling of these decisions is included in the professional summary attached.

Perhaps most important, Mazie Slater has earned a reputation as trial lawyers who will take complex, expensive cases to trial and achieve substantial verdicts, including the two largest verdicts in New Jersey history. In 2014 Mazie Slater was one of twelve firms in the nation named to the "Plaintiffs' Hot List" by The National Law Journal, one of fifty firms recognized as "America's Elite Trial Lawyers" by The National Law Journal, and in 2013 Mazie Slater was named "Litigation Department of the Year" by the New Jersey Law Journal.

Finally, I understand the tremendous amount of time, effort and financial resources that must be dedicated to this case. My firm and I are committed to this litigation and are willing and able to devote these resources. If appointed to a leadership position in this case, I will make this litigation the focus of my professional efforts through the conclusion of this case. The firms who have expressed support for my appointment to the plaintiffs' steering committee are listed in Exhibit "B." Your Honor's consideration of my application is greatly appreciated.

Respectfully submitted,



MATTHEW R. MENDELSON

Enc.

cc: All Counsel (via ECF)